

Claims 59 to 70 are in the case and are presented for reconsideration.

REMARKS

Initially, Applicants wish to perfect their claim for priority under 35 USC 119. The Office Action of January 20, 1982, indicated that the certified copy had not been received. The certified copy is of record in parent Application Serial No. 70,503 filed August 28, 1979, now abandoned. The Examiner is respectfully requested to transfer the certified copy from Application Serial No. 70,503 to the present Application in order to perfect Applicants' claim for convention priority under 35 USC 119.

The Examiner has rejected the claims under 35 USC 102 as being anticipated by the Kugele and two Japanese references. Attached hereto the Examiner will find the Affidavit of Michel Foure under 37 CFR 1.131 demonstrating a reduction to practice in the United States prior to December 12, 1980 of a halogen-containing composition falling within the scope of the claims. The Kugele Patent has an effective date of February 26, 1981 and the two Japanese references have effective dates of January 12, 1981 and December 12, 1980 respectively. Therefore, the reduction to practice in the United States prior to December 12, 1980 of an invention defined by the claims, namely, the use as a stabilizer for a vinyl halide resin of a halogen-containing organotin compound and a mercaptoloweralkanol ester of a carboxylic acid, is effective to antedate said references.

The proposition that Applicants were in possession of the aspect of the invention as it relates to the combination

of a halogen-containing organotin stabilizer with a mercaptoloweralkanol ester of a carboxylic acid prior to December 12, 1980 is reinforced by the three patents to Wowk and the patent to Larkin, attached hereto, which illustrate the level of knowledge and skill of the art respecting the use of halogenated organotin stabilizers. Knowing that halogenated organotin compounds are useful in conjunction with mercaptoesters, reasonably skilled chemists would immediately recognize that the halogenated organotin stabilizers described in the prior art would find utility in the context of the claimed invention for stabilization of vinyl halide resins.

It is respectfully submitted that the Examiner's rejection of the claims on the basis of 35 USC 102 has been overcome and that this basis of rejection is no longer applicable.

The Examiner has objected to the specification and rejected the claims as failing to comply with the requirements of 35 USC 112. Applicants respectfully request the Examiner to reconsider her position in this regard. Applicants emphasize that their invention relates to the combination of well-known organotin stabilizers with a mercaptoloweralkanol ester of a carboxylic acid to stabilize vinyl halide resins. Organotin stabilizers represent an old, well-known, art-recognized class of materials whose performance is predictable and as to which no criticality is attributed by the art, the Examiner or Applicants. Applicants respectfully submit that their specification describes the invention in such detail as to enable a person skilled in the art to practice it. Applicants urge that it is impracticable for them, in disclosing a generic class of

organotin stabilizers useful within the scope of their invention, to give an example of every species falling within it or even to name every such species. It is sufficient if the disclosure teaches those skilled in the art what the invention is and how to practice it. Applicants urge that their disclosure which contains a broad description, specific species and working examples is legally sufficient, particularly when the invention resides in a combination of elements. In re Kamal and Rogier, 158 USPQ 320 (CCPA, 1968). With respect to the scope of organotin compounds, the Examiner is directed to In re Michel et al, 153 USPQ 66 (CCPA, 1967) for the proposition that under 35 USC 112 a specification need not teach that which is obvious to those in the art. Applicants emphasize the proposition that the audience to which their specification is directed is composed of those skilled in the art of stabilizing vinyl halide polymers, such as polyvinyl chloride, with organotin compounds; it is respectfully submitted that such an audience would have no difficulty in understanding Applicants' invention and how to practice it. To further support the proposition that halogenated organotin stabilizers are well-known and would be within the purview of those in the art of stabilizing vinyl halide resins, the Examiner is directed to the following U.S. Patents, copies of which are attached hereto:

3,665,025, Wowk,	Patented May 23, 1972, see Column 2
3,758,341, Wowk,	Patented September 11, 1973, see Column 2 and the examples
3,758,537, Wowk,	Patented September 11, 1973, see Column 2
3,715,333, Larkin,	Patented February 6, 1973, see Column 4

The foregoing patents, which are not by any means exhaustive, reinforce the proposition that those reasonably skilled in the art would understand that a large number of organotin halide stabilizers for vinyl halide resins would be useful. Manifestly, the art would understand what Applicants' invention is and how to practice it.

The Examiner has objected to the recital of phosphorus as a tin substituent. The Examiner is directed to the foregoing discussion in respect of organotin halides and is referred to U.S. Patent 2,630,442, patented March 3, 1953, and U.S. Patent 2,743,257, patented April 24, 1956, copies of which are attached hereto, for a disclosure of organotin compounds containing tin-phosphorus bonds. Applicants respectfully submit that those skilled in the art of stabilizing vinyl halide resins with organotin compounds would understand Applicants' invention and be able to practice it; a skilled chemist would have no difficulty in selecting an appropriate tin-phosphorus stabilizer.

Applicants emphasize that their invention does not relate to organotin compounds per se, but, rather, to the discovery of the improved results that are achieved from the combination of organotin compounds with a mercaptolower-alkanol ester of a carboxylic acid. Such being the case, Applicants are entitled to a broad definition of the old and well-known organotin component whose composition is not critical and whose efficacy in the context of the present invention is predictable and does not require extensive experimentation.

From the foregoing remarks, it is apparent that all issues in this case have been resolved and that this

Application in in condition for allowance. Reconsideration of the Application and passage of this case to issue are earnestly solicited.

Respectfully submitted,

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Date

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